

# **LEVI HUEBNER & ASSOCIATES, PC**

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Attorneys for Defendants  
IMAGE RENT A CAR INC. and VAN RENTAL CO., INC.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

## **DIGBY ADLER GROUP LLC,**

**Plaintiff,**

vs.

## **IMAGE RENT A CAR, INC., et al.,**

## Defendants.

Case No. 3:10-cv-00617-SC

**DECLARATION OF LEVI HUEBNER  
IN SUPPORT OF AMENDED CASE  
MANAGEMENT STATEMENT**

I Levi Huebner Declare as follows:..

1. I am the principal of Levi Huebner & Associates, PC attorneys for the Defendants and have personal knowledge of the facts set forth in this declaration.

2. The allegation of Plaintiff's counsel that he was forced to unilaterally submit the Amended Joint Case Management Statement ("CMS") is at best a misrepresentation.

3. Pursuant to our discussions regarding and amended CMS on September 15, 2010 I  
sent Plaintiffs counsel a first draft of edits to the CMS

4. Among several written communications to Plaintiff's counsel on September 21, 2010 I sent him an E-Mail inquiring whether he had any edits to our joint CMS

5. On October 15, 2010 I sent and E-Mail to Plaintiff's reminding him "I am awaiting your edits to Rule26f case management statement."

6. Finally, on November 3, 2010 Plaintiff's counsel furnished the undersigned with his first draft of the CMS. Interestingly, Plaintiff's counsel demanded that I reply to same within one day.

7. I reminded Plaintiff's counsel that I had been waiting for his edits for over 1½ months and that I would review his belated draft as soon as was possible.

8. Subsequently, Plaintiff's counsel sent a single E-Mail regarding the CMS.

9. The following evening on November 11, 2010 I furnished Plaintiff's counsel with Defendants' final edits to the amended CMS he had furnished.

10. Plaintiff's Counsel is fully aware that the undersigned is a Saturday Sabbath observer and that my office closes prior to sundown every Friday evening.

11. However, counsel failed to furnish the undersigned with his final draft until Friday evening at 5:13 P.M Eastern Standard Time (“EST”) after my office was closed for the Sabbath and my phone log reveals that Plaintiff’s counsel did not call my office until 6:19 P.M EST.

12. Had Plaintiff's counsel furnished the CMS earlier that day I would have attached my signature.

13. I now re-submit the CMS filled on November 12, 2010 by Plaintiff's counsel with my signature.

I declare under penalty of perjury under that the foregoing is true and correct.

Dated: Brooklyn, NY  
November 16, 2010

LEVI HUEBNER & ASSOCIATES, PC

BY: /s/Levi Huebner

Levi Huebner